



U.S. Department of Justice

Executive Office for United States Attorneys

General Counsel's Office

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July 26, 2025

Desiree Grace

Dear Ms. Grace,


Your personal social media pages reflect that you believe that you will be assuming the position of United States Attorney for the District of New Jersey today. But as you are well aware, you were removed from employment with the Department of Justice and from federal service on July 22, 2025.

Not only are you no longer employed by the Department, but you also will not serve as the United States Attorney for the District of New Jersey. The District Court for the District of New Jersey lacked legal authority to appoint you as United States Attorney under 28 U.S.C. § 546(d) because Alina Habba's appointment by the Attorney General had not yet expired under 28 U.S.C. § 546(c)(2). Nor did it expire. Instead, Ms. Habba resigned her interim position as United States Attorney on July 24, 2025, before her appointment expired.

Regardless, even if the district court had the authority to appoint you as United States Attorney, I am informed that the President of the United States has removed you from that office today, pursuant to his authority under 28 U.S.C. § 541(c) and Article II of the U.S. Constitution.

Either way, effective July 24, 2025, the Attorney General appointed Ms. Habba to serve as the First Assistant United States Attorney pursuant to the Attorney General's authority under 28 U.S.C. § 542(a). Thus, as of that date, Ms. Habba became the Acting United States Attorney by operation of law under the provisions of 5 U.S.C. § 3345(a)(1).

Thank you.


Jay Macklin
General Counsel
EOUSA